

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GATDET G. CHUOL, )  
                        )  
                        )  
Petitioner,         )                           8:16CV25  
                        )  
                        )  
V.                     )  
                        )  
                        )  
SCOTT FRAKES, Director, and     )                           **MEMORANDUM AND ORDER**  
FRED BRITTEN, Warden,             )  
                        )  
                        )  
                        )  
Respondents.         )  
                        )

This matter is before the court on several motions filed by Petitioner.

Petitioner filed a Notice of Appeal on October 17, 2016. (Filing No. [24](#).) Petitioner has filed a Motion for Leave to Appeal in Forma Pauperis. (Filing No. [25](#).) The court finds Petitioner is entitled to proceed in forma pauperis on appeal.

Petitioner has also filed a Motion for Certificate of Appealability. (Filing No. [26](#).) The court previously declined to issue a certificate of appealability in this matter and will not do so. (Filing No. [22](#).) Any further request for a certificate of appealability should be made to the Eighth Circuit Court of Appeals. Therefore, Petitioner's Motion for Certificate of Appealability will be denied without prejudice to reassertion before that court.

IT IS ORDERED that:

1. Plaintiff's request to proceed in forma pauperis on appeal (Filing No. [25](#)) is granted.
  
2. Petitioner's Motion for Certificate of Appealability (Filing No. [26](#)) is

denied without prejudice to reassertion before the Eighth Circuit Court of Appeals.

3. The clerk's office is directed to provide the Eighth Circuit Court of Appeals with a copy of this order.

DATED this 18<sup>th</sup> day of October, 2016.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge